

13.12.2024  
Sl. No.5  
Ct. No.15  
S.A.

**WPA 29043 of 2024**

**Sk. Kamrul Islam & Anr.**

**-vs-**

**The State of West Bengal & Ors.**

Mr. Raja Saha

Mr. S. S. Koley

Mr. Sanjoy Mukherjee

Ms. B. Roy

...for the petitioners

Mr. Srijan Nayak

Ms. Rituparna Maitra

...for Co-operative Election Commission

Mr. Biplab Das

Mr. Partha Sarathi Pal

...for respondent no.5

Mr. Santanu Kumar Mitra

Mr. Subhabrata Das

...for the State

When this writ petition was heard on December 6, 2024, this Court passed the following order:

“It appears that, out of the 75 seats for the Delegate Election of Gujharpur Samabay Krishi Unnayan Samity, only 49 seats are being contested, leaving 29 seats uncontested.

Mr. Raja Saha, learned advocate for the petitioner, submits that at least five villages have been prevented from filing nomination papers.

Mr. Srijan Nayak, learned advocate appearing for the Co-operative Election Commission, seeks time to take instructions.

The election is scheduled to take place on December 8, 2024.

In light of the averments made in the writ petition, prima facie, this Court is satisfied that 2 several members of the society were not permitted to file their nomination papers.

This matter is to be listed on December 12, 2024, under the heading "Upgraded Motion."

The Election Commission is directed not to proceed with the election

scheduled for December 8, 2024, in the meantime.”

It appears that the nomination filing date for the election was initially set for November 13, 2024, and the election itself was scheduled for November 24, 2024. However, the election date was subsequently postponed to December 8, 2024.

Mr. Saha, the learned advocate for the petitioners, submits that the deferral of the election was only intended to address the petitioners' allegations concerning the filing of nominations. The Election Commission, however, deferred the election without allowing the candidates who wished to file their nominations to do so.

In contrast, Mr. Nayak, the learned advocate for the Co-operative Election Commission, submits that the deferral was not in response to the petitioners' allegations but was instead due to other reasons, including the forthcoming harvest season.

Mr. Nayak submits that, in compliance with the Court's order dated December 6, 2024, the election scheduled for December 8, 2024, has not been conducted.

It has come to the Court's attention that several candidates were unlawfully prevented from submitting their nomination papers. Only 49 seats were contested out of 75 seats. In a democratic polity, it is

imperative to ensure the conduct of free and fair elections.

In view of the circumstances, the Election Commission is directed to extend the nomination period for the relevant five constituencies by an additional seven days from the date of this order. The Election Commission shall accordingly, modify the election schedule as it deems appropriate.

It is clarified that candidates must fully comply with the election rules and regulations when submitting their nomination papers.

It is also clarified that this order is passed in the specific context of this case and shall not set a precedent.

Accordingly, **WPA 29043 of 2024** is disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties on compliance of usual legal formalities.

**(Kausik Chanda, J.)**